



Joint Urgent Appeal to the United Nations Special Procedures

Israeli Interior Minister Ayelet Shaked Adopts Recommendations to Revoke the Permanent Residency of HRD Salah Hammouri

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Submitted by:

- Addameer Prisoner Support and Human Rights Association
- Al-Haq, Law in the Service of Man
- Association France Palestine Solidarité
- Cairo Institute for Human Rights Studies

For the attention of the United Nations:

- Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Mr S. Michael Lynk;
- Special Rapporteur on the situation of human rights defenders, Ms Mary Lawlor;
- Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Ms Irene Khan;
- Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms E. Tendayi Achiume;
- Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Mr. Balakrishnan Rajagopal;
- Special Rapporteur on the rights of indigenous peoples, Mr. Francisco Cali Tzay;
- Special Rapporteur on the independence of judges and lawyers, Mr. Diego García-Sayán; and
- Independent Expert on human rights and international solidarity, Mr Obiora C. Okafor.

1. Introduction and Overview

On Tuesday 29 June 2021, the Israeli Interior Minister Ayelet Shaked announced the adoption of the recommendations to revoke the permanent residency of Mr. Salah Hamouri based on “breach of allegiance,” confirming her intentions to proceed with approving the process. The revocation of Mr. Hammouri’s residency must still be approved by the Israeli Attorney General Avichai Mendelblit, and the Israeli Minister of Justice Gideon Sa’ar. This arbitrary, punitive

and unlawful decision entails profound violations of human rights, constitutes grave violations of international humanitarian and human rights laws, and represents yet another example of Israel's protracted and systematic policies and practices intended to silence human rights defenders, with the ultimate aim to maintain its apartheid regime over the Palestinian people as a whole.

Residency policies, embedded in Israel's regime of racial domination and oppression, are designed to maintain a perilous legal status for Palestinians in East Jerusalem and uphold an Israeli-Jewish demographic majority in the city. Notably, on 7 March 2018, the Israeli parliament adopted the amendment to the 1952 Entry into Israel Law, officially granting the Minister of the Interior the prerogative to revoke the residency status of Palestinians based on "breach of allegiance."

Previously, on 3 September 2020, the Israeli occupying authorities notified [Mr. Salah Hammouri](#), a 36-year-old Palestinian-French human rights defender and lawyer at Addameer Prisoner Support and Human Rights Association, of the ministry's intention to revoke his permanent residency status for so-called "breach of allegiance" to the State of Israel. This comes as part of the continued Israeli harassment against Mr. Hammouri and his family, including previous arbitrary arrests, banning from entering the West Bank for almost 16 months, and the deportation of his wife, Elsa Lefort, a French national, separating him from his wife and son in 2016.

It should be noted that the legal counsel representing Mr. Hammouri, HaMoked Center for the Defence of the Individual and Advocate Lea Tsemeel, have yet to be officially notified of the recent update. Rather, the announcement came through a [tweet](#) by Israeli Interior Minister Ayelet Shaked on Wednesday 30 June 2021, stating: "In the Ministry of the Interior under my leadership, there will be zero tolerance for the phenomena of residents working against the State of Israel."

On 29 September 2020, our organisations [submitted](#) a joint urgent appeal calling on the relevant United Nations (UN) Special Procedures to address the imminent risk of transfer or deportation facing Palestinian human rights defender Salah Hammouri, and urgently intervene to protect Salah's rights while opposing Israel's illegal laws and practices targeting Palestinians.

Following the submission of an urgent appeal, the UN Special Rapporteur on the situation of human rights defenders, Working Group on Arbitrary Detention, Special Rapporteur on the citation of human rights in the Palestinian territory occupied since 1967 and the Special Rapporteur on torture, and other cruel inhuman or degrading treatment or punishment addressed Israel's intention to revoke Mr. Salah Hammouri's permanent residency permit in Jerusalem. The UN mandates [expressed](#) concern of "misuse of administrative and criminal law proceedings against Mr. Hammouri" and that such actions "could possibly be retaliation" for Mr. Hammouri's "legitimate human rights work supporting Palestinian political prisoners in the Occupied Palestinian Territories."

2. Legal Analysis

The case of Salah Hammouri's forced residency revocation and potential expulsion comes within the broader context of Israel's continued expansion of its unlawful colonial-settlement enterprise, including the forcible transfer of Palestinians in the Sheikh Jarrah and Silwan neighbourhoods of Jerusalem.¹ In line with Israel's demographic plans to unlawfully establish and maintain a Jewish majority in the city, Palestinians in the occupied and illegally annexed East Jerusalem live with the risk of, *inter alia*, residency revocation, leading to their transfer from the city.

The transfer of Palestinians from occupied East Jerusalem is considered a war crime under Article 8 of the Rome Statute of the International Criminal Court,² and a grave breach of Articles 49 and 147 of the Fourth Geneva Convention.³ As the revocation of residency policy forms part of a widespread and systematic transfer policy directed against a civilian population, it may amount to a crime against humanity as per Article 7 of the Rome Statute.⁴

Further, Israel's policy of revoking Palestinian residency rights in East Jerusalem violates Article 43 of the Hague Regulations and Article 64 of the Fourth Geneva Convention, which stipulate that the Occupying Power may not act as a sovereign legislator or extend its own legislation over the occupied territory.⁵ Moreover, the criterion of allegiance to Israel is illegal. In fact, international humanitarian law explicitly forbids the Occupying Power from demanding allegiance from the occupied population, as stated in Article 45 Hague Regulations and Article 68(3) of the Fourth Geneva Convention.⁶

As a Palestinian human rights defender who challenges Israel's widespread and systematic human rights violations and voices legitimate calls for justice and accountability, Salah has endured constant Israeli attempts to intimidate him. Alarmed by the imminent threat of having his residency revoked, which, if took place, Salah's rights to freedom of movement and residence, including the right to leave and to return to his country, freedom of expression, as enshrined in Article 19 of the ICCPR and freedom of peaceful assembly and of association, in line with Articles 21 and 22 of the ICCPR,⁷ would also be violated.

As enshrined in Article 13 of the UN Declaration on Human Rights Defenders, everyone has the right to solicit, receive and utilise resources to protect and promote human rights through

¹ See, for example, Al-Haq, "Sheikh Jarrah and Silwan: Ongoing Nakba and Israeli Dispossession of Palestinians", 27 May 2021, available at: <https://www.alhaq.org/advocacy/18442.html>.

² Rome Statute of the International Criminal Court (adopted 17 July 1998, entry into force 1 July 2002) 2187 UNTS 3. (henceforth "Rome Statute")

³ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entry into force 21 October 1950) 75 UNTS 287 (henceforth "Fourth Geneva Convention")

⁴ Article 7, Rome Statute.

⁵ Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land (adopted 18 October 1907, entry into force 26 January 1910) (henceforth the "Hague Regulations") Article 43, Hague Regulations, and Article 64, Fourth Geneva Convention.

⁶ Article 45, Hague Regulations, and Article 68(3), Fourth Geneva Convention.

⁷ Articles 19, 21, and 22, ICCPR.

peaceful means.⁸ However, with no regards to its legal obligations, as Occupying Power, and a State Party to different human rights conventions, Israel's institutionalised attacks have intensified, targeting human rights defenders, activists, and civil society organisations in an effort to silence, repress, and intimidate anyone who advocates for Palestinian human rights or challenges Israel's entrenched regime of racial domination and oppression.

3. Conclusion and Recommendations:

The Israeli judicial system allows for unlawful policies and practices to be carried out with impunity and with complete disregard for international law. Accordingly, it is imperative that the international community immediately addresses Israeli violations. In light of the above, we submit this urgent appeal for the immediate intervention of the relevant UN Special Procedure mandates and urge them to:

- i. Call on Israel, the Occupying Power, to halt its legal proceedings for the revocation of Salah Hammouri's residency status, whether on the basis of "breach of allegiance" or on any other grounds, which, if carried out, will result in violations of his rights to freedom of movement and residence, freedom of expression, and freedom of association, adding Salah's case to the commission by Israel of the serious crime of population transfer;
- ii. Urge Israel to immediately cease any and all practices and policies intended to intimidate and silence human rights defenders, in violation of their right to freedom of expression, including through arbitrary detention, torture and other ill-treatment, institutionalised hate speech and incitement, residency revocation, deportations, and other coercive or punitive measures;
- iii. Call on Israel to immediately repeal its Entry into Israel Law (1952), which has been used to further the Israeli policy of population transfer and achieve demographic goals in Jerusalem in violation of Palestinians' fundamental rights, including their right to freedom of movement and residence, and the right to leave their country and to return; and
- iv. Call for international justice and accountability, including at the International Criminal Court, for Israel's widespread and systematic human rights violations, and alleged international crimes, including the crime of population transfer, and the crime of apartheid, which constitutes a crime against humanity.

⁸ *UN Declaration on Human Rights Defenders* (8 March 1999)